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12 **Attorneys for Defendant, RALPHS GROCERY**
13 **COMPANY d/b/a FOOD 4 LESS**

14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 **ANGELICA HERNANDEZ-SANCHEZ,**

17 **Plaintiff,**

18 **v.**

19 **RALPHS GROCERY COMPANY, a Foreign**
20 **Corporation d/b/a FOOD 4 LESS; DOES 1-100**
21 **and ROE BUSINESS ENTITIES 1-100,**
22 **inclusive,**

23 **Defendant.**

Case No. 2:12-cv-01742-JCM-GWF

24 **ORDER GRANTING**
25 **MOTION TO DISMISS FOR FAILURE**
26 **TO PROSECUTE AND FOR DISCOVERY**
27 **SANCTIONS**

28 Defendant, Ralphs Grocery Company dba Food 4 Less ("Food 4 Less"), by and through its attorneys, Wolfe & Wyman LLP, filed a Motion to Dismiss for Failure to Prosecute and for Discovery Sanctions (Docket No. 33) on April 30, 2014. Plaintiff's response to Defendant's Motion to Dismiss was due by May 17, 2014.

The Court having considering the moving papers, its own files, and good cause appearing, rules as follows:

1. Pursuant to Local Rule 7-2(c), any Response and/or Opposition to Defendant's Motion to Dismiss was required to be filed with the Court and served within fourteen (14) days after service of the Motion. No Response and/or Opposition has been submitted to the Court or

1 served on opposing party within the prescribed timeline. Pursuant to Local Rule 7-2(i), the failure
 2 of an opposing party to file Points and Authority in response to any motion shall constitute
 3 consent to the granting of the motion.

4 2. The Court may grant the Motion to Dismiss without a hearing where a Local Rule
 5 provides another party who has failed to timely file an Opposition is deemed to have waived any
 6 objection to the Motion. Eaton v. Reno, 216 F.3d 1082, 1082 (9th Cir. 2000).

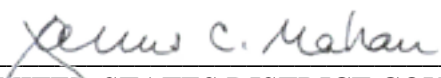
7 3. The Court may grant the Motion to Dismiss for failure to follow local rules if these
 8 five factors weigh in favor of dismissal: “(1) the public’s interest in expeditious resolution of
 9 litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants, (4)
 10 the public policy favoring disposition of cases of their merits; and (5) the availability of less
 11 drastic sanctions.” Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995).

12 4. The Court finds that the five Ghazali factors weigh in favor of dismissal.

13 IT IS THEREFORE ORDERED granting Defendant’s Motion to Dismiss Plaintiff’s
 14 Complaint.

15 IT IS FURTHER ORDERED dismissing Plaintiff’s Complaint without prejudice.

16 IT IS SO ORDERED June 25, 2014.

17
 18 
 19 _____
 UNITED STATES DISTRICT COURT JUDGE

20 Respectfully submitted,

21 WOLFE & WYMAN LLP

22
 23 By: /s/ Jennifer L. Sanders

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Attorneys for Defendant, *RALPHS GROCERY*

COMPANY dba Food 4 Less



CERTIFICATE OF SERVICE

On June 17, 2014, I served the foregoing **[PROPOSED] ORDER GRANTING MOTION TO DISMISS FOR FAILURE TO PROSECUTE AND FOR DISCOVERY SANCTIONS** by the following means to the persons as listed below:

 X a. EFC System (you must attach the “Notice of Electronic Filing”, or list all persons and addresses and attach additional paper if necessary):

David Melvin Crosby info@crosby.lvcoxmail.com

 X b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

Angelica Hernandez-Sanchez
1509 Fay Boulevard
Las Vegas, NV 89108
(Plaintiff)
PRO SE

By: /s/ Katia Ioffe
Katia Ioffe
An employee of Wolfe & Wyman LLP

